

Senate Joint Resolution No. 29

RESOLUTION CHAPTER 140

Senate Joint Resolution No. 29—Relative to food marketing and advertising directed to children.

[Filed with Secretary of State August 12, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SJR 29, Kuehl. Food marketing and advertising directed to children.

This measure would request federal officials and entities and private industries to take various actions concerning foods and beverages that are advertised or marketed to children.

WHEREAS, California is in the midst of a growing epidemic of overweight children and childhood obesity due to poor diet and physical inactivity, putting growing numbers of California children at increased risk for type II diabetes, hypertension, heart disease, and cancer, along with psychosocial problems including low self-esteem, poor body image, and symptoms of depression; and

WHEREAS, A recent study showed that 26.5 percent of California youth in grades 5, 7, and 9 are overweight, with rates being even higher for African-American children (28.6 percent) and Latino children (33.7 percent); and

WHEREAS, In California, annual obesity-attributable medical expenditures were estimated at \$7.7 billion in 2003, with approximately one-half of these expenditures financed by Medicare and Medi-Cal; and

WHEREAS, Healthy eating and physical activity, including eating five or more servings of fruits and vegetables every day, are vital to preventing people from being overweight or suffering from heart disease, cancer, or diabetes, and ensuring children's health and well-being; and

WHEREAS, Poor diet and physical inactivity are responsible for 400,000 deaths in the United States annually and may soon overtake tobacco as the leading cause of preventable death; and

WHEREAS, The growing epidemic of childhood obesity has brought renewed attention to the role that food and beverage advertising and marketing play in negatively influencing eating habits of youth; and

WHEREAS, The food, beverage, and restaurant industries recognize children as a major market force because of their spending power, purchasing influence, and anticipated brand loyalty as adult consumers,

with children under 14 years of age purchasing \$24 billion in products and influencing \$190 billion in family purchases each year; and

WHEREAS, Children are being exposed to increasing amounts of marketing and advertising, with \$15 billion spent marketing to children in the United States in 2002, double the amount spent in 1992; and

WHEREAS, The food, beverage, and restaurant industries utilize multiple strategies to market their products to children, including television advertising, in-school marketing, the Internet, product placements, toys, books, and clothes with food-brand logos, contests, celebrity and cartoon spokespeople, and child targeted in-store and restaurant promotions; and

WHEREAS, Children view an estimated 40,000 commercials each year, 50 percent of which advertise food products—most often products that are high in calories, fats, sugars, and salt, with almost no references to fruits or vegetables. Children watch an average of one food commercial every five minutes of television viewing time, and as many as three hours of food commercials each week. Latino and African-American children are exposed to more television food advertising than other children; and

WHEREAS, In-school marketing of food and beverages has become increasingly prevalent in recent years and includes: (1) product sales, including sales through vending machines, a la carte, snack bars, soft drink “pouring-rights” agreements through exclusive contracts, branded fast food, and fundraisers; (2) direct advertising, such as food and beverage ads in schools; and (3) indirect advertising, such as corporate-sponsored educational programs, sports team sponsorships, and incentive programs using contests and coupons; and

WHEREAS, The majority of the foods and beverages sold in school vending machines and school stores are calorically dense and low in nutrients, which promotes purchasing and consumption of these foods while children are away from their parents in a captive environment that is supposed to be dedicated to education; and

WHEREAS, Studies show that food advertising and marketing result in more favorable attitudes, preferences, and behaviors among children towards the advertised products and that children’s food preferences and food purchase requests for high sugar and high fat foods are influenced by television exposure to food advertising; and

WHEREAS, Parents face increasing strain between their desire to feed their children well and the intense marketing of high calorie, low-nutrition food and beverages to their children; and

WHEREAS, In 2003, the World Health Organization concluded that the extensive marketing to children of fast food and high calorie,



micronutrient-poor foods and beverages is a probable causal factor for the accelerating global trend in weight gain and obesity; and

WHEREAS, Children are particularly vulnerable to marketing of unhealthy foods and beverages because children under the age of 4 or 5 years cannot distinguish between television programming and advertisements, and children age 8 and under are unable to comprehend the persuasive intent and biased nature of advertising, making advertising to young children fundamentally unfair; now, therefore, be it

Resolved by the Senate and the Assembly of the State of California, jointly, That the Legislature of the State of California memorializes the Congress and the President of the United States to require the Federal Trade Commission to (1) develop and implement nutrition standards for foods and beverages that are acceptable to advertise or market to children, including foods and beverages that make a positive contribution to children's diets and health by being moderate in portion size, calories, saturated fat, trans fat, refined sugars, and sodium, and provide key nutrients and (2) prohibit advertising and marketing of foods and beverages that do not meet those standards through broadcast, print, Internet, or other marketing venues for which a significant portion of the audience is children; and be it further

Resolved, That the Legislature memorializes the Congress and the President of the United States to require the Federal Communications Commission to ensure that equal time is given during television programs that have a significant youth audience to encourage fruit and vegetable consumption and physical activity, and discourage consumption of low nutrient foods and beverages. These messages must be produced and delivered by individuals and organizations that have no financial interest in the message; and be it further

Resolved, That the Legislature memorializes the Congress and the President of the United States to fund new and existing media campaigns to promote healthy eating and physical activity, such as the Centers for Disease Control and Prevention's VERB campaign and the National 5 A Day program; and be it further

Resolved, That the Legislature memorializes the Centers for Disease Control and Prevention and the National Institutes of Health to fund research studies to further assess the effects of food and beverage advertising and marketing on the diets and health of children and adolescents; and be it further

Resolved, That the Legislature calls on food and beverage companies, restaurants, retail stores, advertising agencies, sports and entertainment industries, and print, broadcast, and Web-based media operating in California to adhere to a voluntary code of practice, developed by



experts, that would contain guidelines and standards for responsible food and beverage advertising and marketing aimed at children; and be it further

Resolved, That the Secretary of the Senate transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the House of Representatives, the Majority Leader of the Senate, and each Senator and Representative from California in Congress.

